

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE SECRETARY OF THE COMMONWEALTH

PROTHONOTARY

2012 JUL 21 AM 11:23

Department of State

Commonwealth of Pennsylvania,
Bureau of Corporations and
Charitable Organizations

vs.

North American Conference on
Ethiopian Jewry, Inc.,
Respondent

:
:
:
:
:
:
:
:
:
:
:
:

Docket No. 0007-98-15

File No. 12-98-04895

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Corporations and Charitable Organizations ("Bureau") and North American Conference on Ethiopian Jewry, Inc. ("Respondent"), intending to be legally bound, stipulate as follows in settlement of the above-captioned matter:

JURISDICTION

1. This matter is before the Secretary of the Commonwealth ("Secretary") pursuant to the Solicitation of Funds for Charitable Purposes Act ("the Act"), Act of December 19, 1990, P.L. 1200, No. 202, *as amended*, 10 P.S. §§ 162.1-162.24.

LICENSE AND REGISTRATION STATUS

2. Respondent does not deny the truth of the following averments regarding registration as a charitable organization in the Commonwealth of Pennsylvania:

- a. Respondent is registered in the Commonwealth of Pennsylvania as a charitable organization, with the registration first occurring on March 2, 2012.

b. Respondent is registered in the Commonwealth under registration number 41490.

c. Respondent can continue to be registered, year to year, with the submission, during the appropriate timeframe, of the required information and forms for the last completed fiscal year.

d. The last known address on file with the Bureau for the Respondent is:
255 West 36th Street, Suite 701; New York, NY 10018

FACTUAL ALLEGATIONS

3. The Respondent admits that the following allegations are true:

a. During each year between February 1991, when it first started soliciting contributions in the Commonwealth of Pennsylvania (and was subject to the Act), and March 2012, when it first became registered with the Bureau, Respondent solicited charitable contributions in the Commonwealth of Pennsylvania.

b. Between February 1991 and March 2012, Respondent collected more than \$1 million from approximately 4000 residents of the Commonwealth.

c. During the period from February 1991 through March 2012, Respondent was not registered in the Commonwealth as a Charitable Organization.

VIOLATIONS

4. The Commonwealth alleges that the Secretary is authorized, among other things, to impose an administrative fine upon Respondent under Section 17(b)(3) of the Act, 10 P.S. § 162.17(b)(3), because Respondent committed multiple violations of Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by soliciting charitable contributions in the Commonwealth of

Pennsylvania over a 21 year period without being registered as required, with the failure to register for each year constituting a separate violation under the Act.

MITIGATION

5. In mitigation of the Stipulated Facts, Respondent states, but the Commonwealth neither admits nor denies, the following:

- a. Respondent is not domiciled in the Commonwealth of Pennsylvania.
- b. Prior to notification by the Commonwealth, Respondent was not aware of its obligation to register as a Charitable Organization in the Commonwealth.
- c. Immediately upon notification by the Commonwealth, Respondent fully cooperated with the Commonwealth's inquiries, and without the need for further enforcement efforts by the Commonwealth, immediately took action required to become registered as a Charitable Organization in the Commonwealth.
- d. Respondent has at all times since its initial registration as a Charitable Organization, been in compliance with its registration obligations in the Commonwealth.

PROPOSED ORDER

6. Without admitting or denying any violation of the Act, and to address concerns raised by the Commonwealth and to resolve this matter on a compromise basis, Respondent agrees not to contest the issuance of the following Order in settlement of this matter:

- a. The Secretary finds that Respondent violated Section 15(a)(1) of the Act, 10 P.S. § 162.15(a)(1), by soliciting charitable contributions in the Commonwealth without being registered as required by Section 5 of the Act, 10 P.S. § 162.5.

b. The Secretary finds that there were multiple violations of soliciting charitable contributions without being registered, which continued for all or part of 21 years.

ADMINISTRATIVE FINE

c. An **ADMINISTRATIVE FINE** in the amount of **TEN-THOUSAND-DOLLARS (\$10,000.00)** is hereby levied upon Respondent.

(1) Respondent shall tender the full sum of the ADMINISTRATIVE FINE with the return of this executed Consent Agreement;

(2) Payment of the ADMINISTRATIVE FINE shall be by certified check, cashier's check, attorney's check, or money order issued by a usual, customary, and reputable issuer (e.g. U.S. Postal Money Order, Western Union Money Order, etc.).

(3) The instrument of payment shall be payable to the 'Commonwealth of Pennsylvania' and shall be valid for a period of at least one-hundred-eighty (180) days.

(4) This Order constitutes disciplinary action by the Secretary and may be reported to the public and to authorities in other states regulating charitable organizations as a disciplinary action by the Secretary of the Commonwealth of Pennsylvania.

FILING OF REGISTRATION DOCUMENTS

d. Respondent agrees not to solicit charitable contributions in the Commonwealth of Pennsylvania without being properly registered with the

Bureau in accordance with Section 162.5 of the Act, 10 P.S. § 162.5, unless it is exempt from the requirement to do so in accordance with Section 162.8 of the Act, 10 P.S. § 162.8.

e. Respondent acknowledges that failure to register with the Bureau when required to do so, may result in the imposition of an administrative fine of up to \$1,000.00 for each violation, and the imposition of an additional penalty not to exceed \$100.00, for each day a violation continues.

f. Respondent acknowledges that failing to register with the Bureau when required to do so may result in the imposition of a fine with any subsequent registration being automatically suspended until the fine is paid or until the normal expiration date of the registration in accordance with Section 162.17 of the Act, 10 P.S. § 162.17, at which time, the registration would not be renewed.

g. Respondent acknowledges that no subsequent registration shall be renewed until any outstanding fine is paid.

CASE SETTLED AND DISCONTINUED

h. This case shall be deemed settled and discontinued upon the Secretary issuing an Order approving and adopting this Consent Agreement and upon the Respondent's successful completion of the requirements of this Order.

i. Nothing in this Consent Agreement and Order shall preclude the Prosecuting Attorney for the Bureau from filing charges, or preclude the Secretary from imposing, disciplinary or corrective measures for violations or facts not contained in this Consent Agreement and Order.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

7. Respondent agrees that if the Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

8. Respondent acknowledges receipt of an Order to Show Cause in this matter.

9. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing:

- a. to be represented by counsel at such hearing;
- b. to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation;
- c. to cross-examine witnesses and to challenge evidence presented by the Commonwealth;
- d. to present legal arguments by means of a brief; and
- e. to take an appeal from any final decision that may be rendered.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

10. Respondent acknowledges that it is aware that it has the right to consult with, and be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement.

11. In this matter, Respondent is represented by legal counsel: Tracy L. Boak, Esquire; Perlman & Perlman, LLP, 41 Madison Ave., Suite 4000, New York, NY 10010-2202.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

12. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Secretary or his counsel, which

may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

13. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

14. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other governmental or administrative entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State.

15. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Secretary issues an Order approving and adopting this Consent Agreement.

EFFECT OF SECRETARY'S REJECTION OF CONSENT AGREEMENT

16. Should the Secretary not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Secretary shall not prejudice the Secretary from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES

17. The parties acknowledge that other federal, state, and/or local agencies may have jurisdiction over the activities of, or representations made by, Respondent and its officers, directors, agents, employees or independent contractors. Nothing in this Consent Agreement or

the Order based upon this Consent Agreement shall preclude representatives of the Bureau from referring any information or data produced as a result of this matter to any federal, state, or local agency or governmental unit having jurisdiction over the activities of Respondent or any officer, director, agent, employee or independent contractor of the Respondent.

ENTIRE AGREEMENT

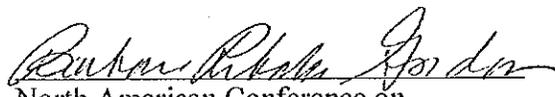
18. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions of any kind whatsoever concerning this agreement.

VERIFICATION OF FACTS AND STATEMENTS

19. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.


Robert B. Armour
Prosecuting Attorney
Department of State

DATED: 07/23/15


North American Conference on
Ethiopian Jewry, Inc.
Respondent

DATED: 6/30/15



NORTH AMERICAN CONFERENCE ON ETHIOPIAN JEWRY, INC.

DOCKET NO. 0007-98-15

FILE NO. 12-98-04895

ORDER

AND NOW, this 20th day of July, 2015 the foregoing Consent Agreement is approved and the terms set forth in paragraph 5 are hereby adopted and incorporated herein as the Order of the Secretary of the Commonwealth issued in resolution of this matter.

THIS ORDER shall take effect immediately.

BY ORDER

Pedro A. Cortés

Pedro A. Cortés
Secretary of the Commonwealth

For the Commonwealth:

Robert B. Armour, Esquire
2601 North Third Street
P. O. Box 69521
Harrisburg, PA 17106-9521

For Respondent:

Tracy L. Boak, Esquire
Perlman & Perlman, LLP
41 Madison Ave., Suite 4000
New York, NY 10010-2202

Date of mailing:

07/21/15